

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<u>LAURIE GILBERT,</u>	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-10746-RWZ
	)	
<u>JOHN HEGGARTY and TIMOTHY DUBE,</u>	)	
Defendants.	)	

**PROPOSED JURY INTERROGATORIES OF THE DEFENDANTS,**  
**JOHN HEGGARTY AND TIMOTHY DUBE**

Defendants, John Heggarty and Timonty Dube respectfully submit the following Proposed Jury Interrogatories and General Verdict Forms for the Court's consideration. The Defendants reserve the right to supplement these Interrogatories in accordance with issues that may arise in connection with the Court's ruling on pre-trial motions and matters which may arise during the course of trial.

Respectfully submitted,  
For the Defendants,  
**JOHN HEGGARTY and TIMOTHY DUBE,**  
By their attorneys,



Matthew E. Dwyer (B.B.O. # 139840)  
Kathleen A. Pennini (B.B.O. # 654573)  
Dwyer, Duddy and Facklam, P.C.  
Two Center Plaza, Suite 430  
Boston, MA 02108-1804  
(617) 723-9777

Date: September 4, 2006

**CERTIFICATE OF SERVICE**

I, Kathleen A. Pennini, do hereby certify I have electronically filed these proposed jury interrogatories on September 4, 2006, via electronic delivery and facsimile delivery, and via hand delivery on September 5, 2006 to:

Richard N. Foley, Esq.  
414 State Street  
Portsmouth, NH

  
Kathleen A. Pennini

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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	)	
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Defendants.	)	

**JURY INTERROGATORY NO. 1**

Did Ms. Gilbert prove by a preponderance of the evidence that the Defendants violated her federal constitutional right to not be arrested without probable cause?

**ANSWER**

YES \_\_\_\_\_ NO \_\_\_\_\_

- If you answered "NO" to Interrogatory No. 1, then proceed to Interrogatory No. 3;
- If you answered "YES" to Interrogatory No. 1, then proceed to Interrogatory No. 2.

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Defendants.	)	

**INTERROGATORY NO. 2**

If your answer to Interrogatory No. 1 was yes, did you find by a preponderance of the evidence that the Defendants' arrest of Ms. Gilbert conduct was the proximate or legal cause of damages suffered by Ms. Gilbert?

**ANSWER**

YES \_\_\_\_\_ NO \_\_\_\_\_

- Proceed to Interrogatory No. 3

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	)	
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Defendants.	)	

**INTERROGATORY NO. 3**

What amount of damages, if any, has the Plaintiff proven by a preponderance of the evidence that he suffered as a result of the Defendants' arrest of her without probable cause?

Write the amount in words and figures (e.g. Ten Dollars (\$10.00)),

\_\_\_\_\_ \$ \_\_\_\_\_

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Defendants.	)	

**INTERROGATORY NO. 4**

Did Ms. Gilbert prove by a preponderance of the evidence that the Defendant Heggarty subjected her to excessive force while she was at the police station?

**ANSWER**

YES \_\_\_\_\_ NO \_\_\_\_\_

- If your answer to Interrogatory No. 4 is "NO," proceed to Interrogatory No. 7
- If your answer to Interrogatory No. 4 is "YES," proceed to Interrogatory No. 5

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**JURY INTERROGATORY NO. 5**

Do you find by a preponderance of the evidence that the Defendant Heggarty's alleged use of excessive force against the Plaintiff at the police station was the proximate or legal cause of damages suffered by Ms. Gilbert?

**ANSWER**

YES \_\_\_\_\_ NO \_\_\_\_\_

- If your answer is "NO," proceed to Interrogatory No. 7
- If your answer is "YES," proceed to Interrogatory No. 6

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Defendants.	)	

**INTERROGATORY NO. 6**

What amount of damages, if any, has the Plaintiff proven by a preponderance of the evidence that he suffered as a result of the Defendant Heggarty's use of excessive force against her while she was at the police station Write the amount in words and figures (e.g. Ten Dollars (\$10.00),

\_\_\_\_\_ \$ \_\_\_\_\_

- Proceed to Interrogatory No. 7

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Defendants.	)	

**INTERROGATORY NO. 7**

Did Ms. Gilbert prove by a preponderance of the evidence that the Defendants maliciously prosecuted her?

**ANSWER**

YES \_\_\_\_\_ NO \_\_\_\_\_

- If your answer to Interrogatory No. 7 is "NO" and your answers to Interrogatories Nos. 1 and 4 were also "NO," sign the Defendants' General Verdict Form and notify the Court that you have reached a decision.
- If your answer to Interrogatory No. 7 is "NO," but your answer to any of the preceding Interrogatories was "YES," proceed to Interrogatory No. 9
- If you answer to Interrogatory No. 7 is "YES," proceed to Interrogatory No. 8

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Defendants.	)	

INTERROGATORY NO. 8

Did Ms. Gilbert prove by a preponderance of the evidence that the Defendants' alleged malicious prosecution of her was the proximate or legal cause of damages sustained by her?

ANSWER

YES \_\_\_\_\_ NO \_\_\_\_\_

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	)	
<b>JOHN HEGGARTY and TIMOTHY DUBE,</b>	)	
<b>Defendants.</b>	)	

**INTERROGATORY NO. 9**

What amount of damages, if any, has the Plaintiff proven by a preponderance of the evidence that he suffered as a result of the Defendants' malicious prosecution? Write the amount in words and figures (e.g. Ten Dollars (\$10.00)),

\_\_\_\_\_ \$ \_\_\_\_\_

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**INTERROGATORY NO. 10**

If you answered "YES" to any or all of Interrogatories 2, 5 or 8, do you think that the Defendant acted with malice or with reckless indifference to the Plaintiff's federally protected rights and that punitive damages should be assessed against the Defendants?

**ANSWER**

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer is "YES," in what amount? \$ \_\_\_\_\_

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Defendants.	)	

**GENERAL VERDICT FOR DEFENDANTS,**  
**JOHN HEGGARTY AND TIMOTHY DUBE**

We, the jury, having been duly impaneled and sworn, do find the issues joined in favor of the Defendants and against the Plaintiff.

\_\_\_\_\_

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	)	
JOHN HEGGARTY and TIMOTHY DUBE,	)	
<u>Defendants.</u>	)	

**GENERAL VERDICT FOR THE PLAINTIFF,**  
**LAURIE GILBERT**


We, the jury, having been duly impaneled and sworn, find the following in favor of the Plaintiff and against the Defendants, John Heggarty and Timothy Dube (fill-in all that apply).

\_\_\_\_\_ Improper Arrest with damages in the sum of \_\_\_\_\_.

\_\_\_\_\_ Excessive Force with damages in the sum of \_\_\_\_\_.

\_\_\_\_\_ Malicious Prosecution with damages in the sum of \_\_\_\_\_.

Respectfully submitted,  
For the Defendants,  
**JOHN HEGGARTY and TIMOTHY  
DUBE,**  
By their attorneys,

  
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